

Worcester South District Registry of Deeds Electronically Recorded Document

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Recording Information

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Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 798-7717

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #:164-0991
 eDEP Transaction #:1227943
 City/Town:GRAFTON

A. General Information

1. Conservation Commission GRAFTON
2. Issuance a. ☒ OOC b. ☐ Amended OOC
3. Applicant Details
- a. First Name SOTIR b. Last Name PAPALILO
- c. Organization PRENTICE PLACE, LLC
- d. Mailing Address 5 COACHMAN RIDGE ROAD
- e. City/Town SHREWSBURY f. State MA g. Zip Code 01545
4. Property Owner
- a. First Name SOTIR b. Last Name PAPALILO
- c. Organization
- d. Mailing Address 5 COACHMAN RIDGE ROAD
- e. City/Town SHREWSBURY f. State MA g. Zip Code 01545
5. Project Location
- a. Street Address 23 PRENTICE STREET
- b. City/Town GRAFTON c. Zip Code 01519
- d. Assessors 10 e. Parcel/Lot# 8
- Map/Plat#
- f. Latitude 42.24211N g. Longitude 71.71470W
6. Property recorded at the Registry of Deed for:
- | a. County | b. Certificate | c. Book | d. Page |
|-----------|----------------|---------|---------|
| WORCESTER | | 53726 | 58 |
7. Dates
- a. Date NOI Filed : 5/12/2020 b. Date Public Hearing Closed: 9/15/2020 c. Date Of Issuance: 10/1/2020
8. Final Approved Plans and Other Documents
- a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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SITE

DEVELOPMENT

PLAN

RESIDENTIAL

DEVELOPMENT

23 PRENTICE

STREET IN

GRAFTON,

MASSACHUSETTS

WITH THE

REVISIONS

REFLECTED ON

ADDITIONAL

SHEETS ENTITLED

CONSERVATION

COMMISSION

MODIFICATION

#1,??

CONSERVATION

COMMISSION

MODIFICATION

#2,? AND ?

CONSERVATION

COMMISSION

MODIFICATION

#3? (4 SHEETS

TOTAL), ALL

DATED 9/4/2020,

INCORPORATED

DEMOLITION

AND EROSION

CONTROL PLAN

WETLAND

RESTORATION

PLAN

HANNIGAN

ENGINEERING, INC.

LARRY R. SABEAN

3/17/2020

AS NOTED

HANNIGAN

ENGINEERING, INC.

WILLIAM D. HANNIGAN

6/9/2020

1" = 30'

HANNIGAN

ENGINEERING, INC.

8/5/2020

1" = 10'

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

a. <input checked="" type="checkbox"/> Public Water Supply	b. <input type="checkbox"/> Land Containing Shellfish	c. <input checked="" type="checkbox"/> Prevention of Pollution
d. <input checked="" type="checkbox"/> Private Water Supply	e. <input checked="" type="checkbox"/> Fisheries	f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat
g. <input checked="" type="checkbox"/> Ground Water Supply	h. <input checked="" type="checkbox"/> Storm Damage Prevention	i. <input checked="" type="checkbox"/> Flood Control

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2. Commission hereby finds the project, as proposed, is:

Approved subject to:

- a. ☒ The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. ☐ The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c. ☐ The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a).

a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	970	970	977	977
	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet

Massachusetts Department of Environmental Protection
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9. ☐ Riverfront Area

	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. c/y nourishment	<u> </u> d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. c/y nourishment	<u> </u> d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> b. square feet		

22.

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:164-0991

eDEP Transaction #:1227943

City/Town:GRAFTON

☐ Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

23.

☐ Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:164-0991

eDEP Transaction #:1227943

City/Town:GRAFTON

" Massachusetts Department of Environmental Protection"

[or 'MassDEP']

File Number : "164-0991"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) ☒ is not (2) ☐ subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
 - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
 - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is

**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:164-0991

eDEP Transaction #:1227943

City/Town:GRAFTON

fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:164-0991

eDEP Transaction #:1227943

City/Town:GRAFTON

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- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
 - l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

SEE ATTACHED "EXHIBIT A"

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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MassDEP File #:164-0991

eDEP Transaction #:1227943

City/Town:GRAFTON

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No

2. The Conservation Commission hereby (check one that applies):

a. ☐ DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____

2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. ☐ APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw _____

2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:

THE GRAFTON WETLANDS PROTECTION & STORMWATER MANAGEMENT BYLAWS WERE SUBSUMED BY THE ZONING BOARD OF APPEALS COMPREHENSIVE PERMIT DECISION. THEREFORE, THE CONSERVATION COMMISSION TOOK NO ACTION UNDER THE BYLAWS. THE CONSERVATION COMMISSION IS ONLY APPROVING THIS PROJECT UNDER THE ACT. SEE ATTACHED EXHIBIT A.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

164-991

MassDEP File #

1227943

eDEP Transaction #

Grafton

City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

The signatures electronically inserted below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9 and pursuant to the Commission's electronic signature authorization vote recorded on 6/11/2020 in Book 62574 and Page 216 at the Worcester Registry of Deeds.

Sandra Brock

Signature

Alicia Bergeron

Signature

Helen Cheney

Signature

Jonathan Nickerson

Signature

Signature

Signature

Signature

Signature

Sandra Brock

Printed Name

Alicia Bergeron

Printed Name

Helen Cheney

Printed Name

Jonathan Nickerson

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

☐ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

Date

**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:164-0991

eDEP Transaction #:1227943

City/Town:GRAFTON

(M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

GRAFTON

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

GRAFTON

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

23 PRENTICE STREET

Project Location

164-0991

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner SOTIR PAPALILLO

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

**Massachusetts Department of Environmental
Protection**

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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Signature of Applicant

Rev. 4/1/2010

DEP File #164-991

Prentice Place (23 Prentice Street)
Date Issued: 10/1/2020**EXHIBIT 'A'****This Order of Conditions is issued with the following special conditions:****General Conditions**

1. The work shall be completed as shown on the plans entitled **"Site Development Plan Residential Development 23 Prentice Street in Grafton, Massachusetts"** with a final revision date of 3/17/2020 with the revisions reflected on additional sheets entitled **"Conservation Commission Modification #1," "Conservation Commission Modification #2," and "Conservation Commission Modification #3"** (4 sheets total), all dated 9/4/2020, incorporated. Work shall also be completed as shown on the plans entitled **"Demolition and Erosion Control Plan"** dated 6/9/2020 and **"Wetland Restoration Plan"** dated 8/5/2020.
2. If substantial alterations from the above-referenced plans are proposed, those alterations shall be submitted to the Commission for review in order to determine whether they qualify as a **minor change or require an amended Notice of Intent**.
3. The Commission reserves the right to **require additional measures if deemed necessary** to protect wetland resource areas and interests as defined in MGL Chapter 131 Section 40 (310 CMR 10.00).
4. This document shall be **included in the project's Stormwater Pollution Prevention Plan (SWPPP), as well as all construction contracts, subcontracts, and specifications** dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall ensure that all contractors, subcontractors, and other personnel performing the permitted work are fully aware of these terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions. Nothing in this paragraph shall limit or restrict the liability of the applicant for violations of this Order.
5. This Order and a copy of approved drawings and plans shall be **available at the project site at all times** for easy reference.
6. **Work shall be halted** on the site if the Commission, Agent, or DEP determine that any of the work is not in compliance with this Order.

Conditions Prior to Commencement of Work

7. Prior to commencement of work, this Order of Conditions **shall be recorded** with the Worcester Registry of Deeds. Once recorded, a copy of any pages containing Registry barcode labels shall be submitted to the Conservation Office.
8. Prior to commencement of work, the Commission **requires a bond** or similar form of surety for wetland replication to be held until the issuance of the complete Certificate of Compliance. The applicant shall submit a detailed bond estimate to be reviewed and approved by the Commission prior to the issuance of said bond.
9. Prior to commencement of work, the wetland boundary must be **survey located and clearly flagged or staked** in the field.
10. Prior to commencement of work, the erosion control barrier consisting of silt fence and straw bales/wattles (minimum twelve (12) inch size), shall be installed where indicated on the above-referenced plan and shall serve as the limit of disturbance/clearing/work. Where an erosion control barrier is not required, the limits of disturbance/clearing/work (including the limits of the proposed wildlife corridors) shall be marked with stakes, flagging or construction fencing. **The**

Commission or Agent shall inspect and approve the installation of the erosion control and the limits of disturbance prior to commencement of work.

11. Prior to commencement of work, the applicant shall install a **stone construction entrance** (tracking pad) not less than twenty (20) feet wide and not less than thirty (30) feet in length, of a stone size on the average of one (1) inch to four (4) inches.
12. Prior to commencement of work, the general contractor shall designate a **construction staging area**, located outside of all wetland resource areas and buffer zones. All construction trailers, trash dumpsters, portable sanitary facilities, material storage (especially fuel, oil, and other pollutants), and overnight parking of equipment shall be located within the staging area. The perimeter of the staging area shall be protected with silt fence and the ground surface shall be protected with washed stone or another suitable non-erosive material. Any leakage or spillage of oil, hydraulic fluid, gasoline, or other pollutants must be cleaned up immediately and disposed of off-site. All fueling of equipment shall be performed outside of wetland resource areas and buffer zones. The Commission shall be notified immediately in the event of any spillage.
13. Prior to commencement of work, the applicant shall submit **funds to the Commission for peer review wetland replication supervision and inspection** during construction, required as part of this Order.

Conditions During Construction

14. If the area of the proposed **detention basin** is to be utilized for temporary stormwater collection during construction, **it shall not be fully excavated until this temporary use is over.**
15. The erosion control barriers and limit of work staking/flagging/fencing shall serve as the limit of work unless another limit of work line has been approved by this Order. **Construction equipment is prohibited beyond this delineated limit of work.**
16. The applicant shall designate a **qualified erosion control monitor** to oversee regular inspection, removal and proper disposal of entrapped silt, and replacement of any components as necessary. Erosion control inspections must be conducted at least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of a storm event of one quarter (1/4) inch or greater from the start of construction until the site is permanently stabilized. Inspection reports shall be provided to the Commission upon request and shall be incorporated into the SWPPP. The name and phone number of the monitor must be provided to the Commission in case the monitor has to be contacted due to an emergency at the site, during any twenty-four (24) hour period, including weekends. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Commission. The applicant shall give the erosion control monitor the authority to stop construction for erosion control purposes. The applicant shall implement the recommendations of the erosion control monitor.
17. Only loosely woven, natural fiber, **"wildlife friendly"** erosion control matting is to be used on site (no monofilament mesh permitted). The Commission may require that erosion control barriers in specific locations be removed early in order to avoid impeding wildlife travel.
18. The applicant shall maintain an **adequate supply of erosion control materials** on site at all times for emergency and/or routine replacement. Such materials shall be accessible at all times and shall include materials to repair or replace: silt fences, straw bales, erosion control blankets, stone riprap, filter berms, polymer logs, or any other devices planned for use during construction. Those materials subject to deterioration due to exposure to the elements shall be protected under tarps or within a building or trailer.
19. **Loaming and seeding** shall occur within seven (7) days of final grading. If any disturbed portion of the project is inactive for more than fourteen (14) days, disturbed areas must be stabilized by

seeding with a temporary stabilizing seed mix, unless the fourteen (14) days are in the winter. If this winter condition should occur, the applicant shall request a determination from the Commission as to whether seeding or an alternative measure should be conducted. Seed stock to restore project denuded areas shall emphasize the native flora and be of proven value to local wildlife.

20. Materials shall **not be stockpiled within the one hundred (100) foot buffer zone**. Soil stockpiles must be stabilized or covered at the end of each workday. Stockpile side slopes shall not be greater than two to one (2:1). Stockpiles shall be surrounded by erosion control barriers. Excess material shall not be deposited within resource areas or buffer zones.
21. The **wetland replication** shall be performed as specified in the approved plans referenced above, unless otherwise specified in this Order. The Commission reserves the right to require additional plantings to ensure achievement of seventy-five percent (75%) cover of wetland plant species within two full growing seasons, as specified in 310 CMR 10.55 (4)(b).
 - a. All wetland fill and wetland replication areas shall be surveyed in the field and shown on a plan stamped by a Professional Land Surveyor (PLS) in order to demonstrate that the required ratio of 1:1 for fill:replication has been met.
 - b. The preparation and planting of replication areas shall be completed in conjunction with, or as soon as is practicable following, the alteration of the wetlands that are being replaced, but in no event later than thirty (30) days after the alteration.
 - c. Once wetland alteration has commenced, no other work is to be commenced on site until establishment of the replication area is completed.
 - d. An erosion control barrier must be installed between the existing wetland and the replication area and approved by the Commission or Agent prior to any work commencing within the replication area. No work, disturbance, or clearing is permitted within the adjacent existing wetland.
 - e. The excavation, wetland soil installation, and planting of the replication area shall be supervised by a qualified wetland scientist hired by the Commission at the applicant's expense. The replication area shall also be inspected by said scientist at the end of each growing season for a minimum of two (2) growing seasons and written inspection reports shall be submitted to the Commission.
 - f. During the monitoring period, any invasive species identified within the replication area shall be eradicated.
 - g. A New England Wetland Plants "Wetmix" shall be used for seeding replication areas.
22. **Perchlorate blasting agents** shall not be used in connection with this project.
23. All existing and proposed catch basins and storm drains on the site or on the streets adjacent to the site shall be protected by **silt sacks or an equivalent product** to prevent sediment from entering the drainage system. Silt sacks (or the equivalent) shall be maintained and regularly cleaned of sediment until final and complete site stabilization and the Commission or Agent have formally approved their removal.
24. At the end of each workday, the applicant shall mechanically or manually **sweep** any sediment tracked onto the adjacent streets. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within Grafton. All equipment washing shall occur within the designated staging area. Any runoff resulting from the washing of trucks or equipment shall not be directed toward, nor dumped into, any on-site drainage system or any area subject to protection under the MA Wetlands Protection Act or Grafton Wetlands Protection Bylaw.
25. An **impervious concrete washout structure** must be installed on site, located outside of all wetland resource areas and buffer zones and must include signage labeling the structure "Concrete Washout Area". This is the only location on site where concrete trucks and tools are permitted to be rinsed. All materials deposited within the concrete washout structure must be disposed of off-site.

DEP File #164-991

Prentice Place (23 Prentice Street)
Date Issued: 10/1/2020

26. If **dewatering** proves to be necessary, a dewatering plan shall be submitted to the Commission for approval. Dewatering activities shall be monitored daily to ensure that sediment-laden water is appropriately settled prior to discharge. Water shall not be discharged directly into an area subject to jurisdiction of the Wetlands Protection Act or Grafton Wetlands Protection Bylaw. Management of groundwater and soil collected during excavation and dewatering activities shall be monitored by a Licensed Site Professional in accordance with MA DEP regulations. All excavated materials not reused on site shall be removed from the site immediately and disposed of properly.
27. All **silt fencing, stakes, and any non-biodegradable erosion control** shall remain in place until the site is fully stabilized but shall be removed prior to the issuance of a complete Certificate of Compliance.
28. Upon completion of the work described herein, the applicant shall submit hard copies and electronic copies of the following to the Conservation Commission:
- I. Written **Request for Certificate of Compliance** (WPA Form 8A)
AND
 - II. A **letter** from a Massachusetts Registered Professional Engineer that certifies compliance of the project with this Order and details any deviations that exist, along with their potential effect on the project. A statement that the work is in "substantial compliance" without detailing the deviations shall not be accepted
OR
 - III. A complete **as-built plan** shown as a bolded overlay on top of the approved plans with any deviations shown in red, signed and stamped by a Massachusetts Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Massachusetts Wetlands Protection Act.

Ongoing Conditions:

29. **Dumping** of yard waste, clippings, or any material whatsoever is prohibited within the wetland resource areas. This condition is ongoing and does not expire with the issuance of a Certificate of Compliance.
30. **Herbicides and pesticides** are not allowed within the one hundred (100) foot wetland buffer zone. **Fertilizer** may be applied in accordance with the recommendations of a recent soil analysis that shall be provided to the Commission prior to application. This condition is ongoing and does not expire with the issuance of a Certificate of Compliance.
31. **Sodium-based deicing products** shall not be used on the common driveway or individual driveways within the one hundred (100) foot wetland buffer zone. This condition is ongoing and does not expire with the issuance of a Certificate of Compliance.
32. All **rain gardens** must be maintained by the property owner in perpetuity. This condition is ongoing and does not expire with the issuance of a Certificate of Compliance.

ATTEST: WORC Kathryn A. Toomey, Register